



Metropolitan Transportation Authority

State of New York

December 14, 2021

Via ECF

Hon. Analisa Torres
 U.S. District Judge
 U.S. District Court, Southern District of New York
 500 Pearl St., Courtroom 15D
 New York, NY 10007

Re: Thomas v. Five Star Electric, et al., 18-CV-3691 (AJN) (RWL) (pro se)
MTA Response to Plaintiff's December 2021 Filings

Dear Judge Torres:

I represent Defendant Metropolitan Transportation Authority (“MTA”) in the above-referenced action and write to respond to Plaintiff’s recent filings, subsequent to this action’s reassignment to Your Honor’s docket. *See* Dkt. Nos. 89, 90.

The MTA objects to Plaintiff’s “request” to amend his complaint to include a litany of new causes of action and requests for relief, without having alleged any new facts or any justification for such a late amendment. The Court is still considering the Report and Recommendation (“R&R”) recommending dismissal of this case in its entirety, which has been pending for two years, since August 23, 2019. *See* Dkt. No. 74. Consideration of this request is inappropriate under the circumstances.

The MTA further objects to consideration of Plaintiff’s “motion” to “oppose dismissal.” The Court has been fully briefed on the MTA’s motions to dismiss, including multiple opposition filings by Plaintiff. Plaintiff has likewise had an opportunity to oppose the R&R, and indeed did so. Plaintiff has provided no valid basis for suing the MTA in his Complaint, in his filings opposition to the MTA’s motion to dismiss, in opposition to the R&R, nor does he do so presently. Regardless of any difficulties Plaintiff may have had seeking counsel from the New York Legal Assistance Group clinic—about which Plaintiff provides no specifics, and about which the undersigned can recall no prior requests to the Court that were publicly filed in the three years since this action began—Plaintiff has no valid claims against the MTA, which was not his employer. Plaintiff’s prospective retention of counsel does not alter that truism, and all claims against the MTA should be dismissed.

The requests in Plaintiff’s recent filings should be denied and the Report and Recommendation should be endorsed.

The agencies of the MTA

MTA New York City Transit
 MTA Long Island Rail Road

MTA Metro-North Railroad
 MTA Bridges and Tunnels

MTA Construction & Development
 MTA Bus Company

Respectfully,



Jason Douglas Barnes
Assistant Associate Counsel
jabarnes@mtahq.org
212-878-7215 (p) • 212-878-7398 (f)